

REMARKS

This Amendment and Response is filed in reply to the Office action dated June 26, 2006. Claims 17-32 are amended. Accordingly, after entry of this Amendment and Response, claims 1-48 will be pending. Claims 1, 2, 33, and 34 are amended to correct a minor typographical error.

I. Claim Rejections Under 35 U.S.C. § 101

Claims 17-32 are rejected under 35 U.S.C. § 101 because they are not limited to statutory subject matter. Specifically, in claims 17-32, the medium is not limited to tangible embodiments. In response, claims 17-32 have been amended to specify an article of manufacture, a tangible embodiment. As amended herein, claims 17-32 are directed toward statutory subject matter in compliance with 35 U.S.C. § 101. Thus, claims 17-32 are now in form for allowance and such indication is respectfully requested.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2, 8, 10, 11, 16-18, 24, 26, 27, 32-34, 42, 43 and 48 are rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 7,020,835 to Loaiza et al. (hereinafter "Loaiza"). It is respectfully submitted that Loaiza does not anticipate the claims. An anticipation rejection requires that each and every limitation of a claim be disclosed in a single prior art reference.

Initially, the rejection of independent claims 1, 17, and 33 is addressed. These independent claims require the operation of "defining a first sub-domain nested within the protection domain." Loaiza does not teach such a limitation. Loaiza teaches the use of a checksum and a logical check to verify the integrity of a data block for a protection domain spanning the entire datapath before the data block is written to a storage device. Accordingly, Loaiza only involves one protection domain. As such Loaiza does not disclose a nested sub-domain within the protection domain as set forth in the independent claims.

Further, because Loaiza does not teach the use of a nested sub-domain, Loaiza also does not teach "using an association between data and a second integrity metadata" as required by the independent claims. At most, Loaiza teaches the use of a checksum that is verified at various points along the datapath.

Insofar as Loaiza does not teach all the limitations of independent claims 1, 17 or 33, it cannot anticipate them. Accordingly, for at least the reasons set forth above, claims 1, 17 and 33 are patentable over Loaiza, believed in form for allowance, and such indication is respectfully requested.

The remaining rejected claims all depend, directly or indirectly, from one of independent claims 1, 17 and 33. Accordingly, these dependent claims are themselves patentable over Loaiza for at least the reasons set forth above and such indication is respectfully requested. This statement is made without reference to or waiving the independent bases of patentability within each dependent claim.

III. Claim Rejections Under 35 U.S.C. § 103

Claims 4-7, 14, 20-23, 30, 36-39 and 46 are rejected under 35 U.S.C. § 103(a) as being obvious over Loaiza in view of United States Patent No. 6,931,576 to Morrison et al. (hereinafter "Morrison"). This rejection is respectfully traversed.

The present application and Morrison were, at the time the invention of the present application was made, owned by Sun Microsystems, Inc. Thus, under 35 U.S.C. § 103(c)(1), "subject matter developed by another person, which qualifies as prior art only under 35. U.S.C. § 102(e), shall not preclude patentability under 35 U.S.C. § 103(a) where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Accordingly, Morrison is not available as a prior art reference under 35 U.S.C. § 103(a).

IV. Allowable Subject Matter

The Examiner is thanked for the indication that claims 3, 9, 12, 13, 15, 35, 41, 44, 45 and 47 would be allowable if written in independent form, including all the limitations of the base claims and any intervening claims. These claims have not been amended herein to be written in independent form. For the above discussed reasons with regard to independent claims 1, 17 and 33, from which claims 3, 9, 12, 13, 15, 35, 41, 44, 45 and 47 depend, it is believed that all claims are in form for allowance without amendment and such indication is respectfully requested. Applicant reserves the right to amend claims 3, 9, 12, 13, 15, 35, 41, 44, 45 and 47 in independent form at a later date.

V. Conclusion

This Amendment is submitted contemporaneously with a petition for a two-month extension of time in accordance with 37 CFR § 1.136(a). Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$450.00, for a two-month extension of time fee. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

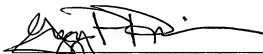
The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for

allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: 21 Nov 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory P. Durbin', is written over a horizontal line.

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